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Date: September 15, 2003

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To: Examiner Gary W. Counts, U.S. Patent and Trademark Office

Fax No.: 703.308.4242

Serial No.: 09/602,778

Title: INTERACTION OF COLLOID-IMMOBILIZED SPECIES WITH SPECIES ON NON-COLLOIDAL STRUCTURES

From: Michael J. Pomianek, Ph.D.

Direct dial: 617.573.7888

Our File #: M1015.70002US00

CERTIFICATE OF FACSIMILE TRANSMISSION 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being transmitted via facsimile to the attention of Examiner Gary W. Counts, FAX number 703.308.4242, at the United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, in accordance with 37 C.F.R. §1.6(d), on the 15 day of September, 2003.

Michael J. Pomianek, Ph.D.

ORIGINAL DOCUMENTS WILL NOT BE MAILED.

Transmitted herewith is an Information Disclosure Statement which was filed on February 10, 2003 and an Information Disclosure Statement which was filed on July 16, 2003. Copies of the non-patent/ non-published application references are being mailed under separate cover.

This transmission contains confidential information intended for use only by the above-named recipient. Reading, discussing, distributing, or copying this message by anyone other than the named recipient, or his or her employees or agents, is strictly prohibited. If you have received this fax in error, please notify us immediately by telephone (collect), and return the original message to us at the address below via the U.S. Postal Service.

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Date of Deposit: July 16, 2003

DOCKET NO.: M01015.70002.US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant: Cynthia C. Bamdad et al.
Serial No: 09/602,778
Confirmation. No.: 9746
Filed: June 23, 2000
For: INTERACTION OF COLLOID-IMMOBILIZED SPECIES WITH
SPECIES ON NON-COLLOIDAL STRUCTURES
Examiner: Counts, Gary W.
Art Unit: 1641

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are the following documents:

- ☒ Information Disclosure Statement
- ☒ PTO Form 1449 with cited references
- ☒ Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 720-3500, Boston, Massachusetts.

A check in the amount of \$180.00 is enclosed to cover the filing fee. If the fee is insufficient, the balance may be charged to Deposit Account 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,
Cynthia C. Bamdad et al., Applicants

By: *Michael J. Pomianek*
Timothy J. Oyer, Ph.D., Reg. No.: 36,628
Michael J. Pomianek, Ph.D., Reg. No.: 46,190
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Docket No. M01015.70002.US
Date: July 16, 2003
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Applicant: Cynthia C. Bamdad et al.
Serial No: 09/602,778
Confirmation No: 9746
Filed: June 23, 2000
For: INTERACTION OF COLLOID-IMMOBILIZED SPECIES
WITH SPECIES ON NON-COLLOIDAL STRUCTURES

Examiner: Counts, Gary W.
Art Unit: 1641

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98**

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this supplemental Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This supplemental Information Disclosure Statement has been filed more than three months after the filing date of this application and after the mailing date of the first Office Action, but before the mailing date of either a final action under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R. §1.311, or an action that otherwise closes prosecution in this application.

The fee of \$180.00 as set forth in 37 C.F.R. §1.17(p) is enclosed.

PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

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Serial No.: 09/602,778
Conf. No.: 9746

- 2 -

Art Unit: 1647

PART III: Remarks

Documents cited anywhere in the supplemental Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this supplemental Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this supplemental Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this supplemental Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

Serial No.: 09/602,778
Conf. No.: 9746

- 3 -

Art Unit: 1647

An early and favorable action is hereby requested.

Respectfully submitted,
Cynthia C. Bamdad et al., Applicants

By: 

Timothy J. Oyer, Ph.D., Reg. No. 36,628
Michael J. Pomianek, Ph.D., Reg No. 46,190
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2211
Telephone: (617) 720-3500

Docket No. M01015.70002.US
Date: July 16, 2003
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FORM PTO-1449/A and B (Modified) INFORMATION DISCLOSURE STATEMENT BY APPLICANT		APPLICATION NO.: 09/602,778		ATTY. DOCKET NO.: M01015.70002.US	
		FILING DATE: June 23, 2000		CONFIRMATION NO.: 9746	
		APPLICANT: Cynthia C. Bamdad et al.			
		GROUP ART UNIT: 1641		EXAMINER: Counts, Gary W.	
Sheet	1	of	1		

U.S. PATENT DOCUMENTS

Examiner's initials	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or of issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
	1.	2002/0042074	A1	Bamdad et al.	04-11-2002
	2.	2002/0086443	A1	Bamdad	07-04-2002
	3.	2002/0098526	A1	Bamdad	07-25-2002
	4.	2002/0156112	A1	Bamdad et al.	10-24-2002
	5.	2002/0164611	A1	Bamdad et al.	11-07-2002
	6.	2003/0036199	A1	Bamdad et al.	02-20-2003
	7.	2003/0059955	A1	Bamdad	03-27-2003
	8.	2003/0060487	A1	Bamdad et al.	03-27-2003
	9.	2003/0087228	A1	Bamdad et al.	05-08-2003

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.


DOCKET NO: M01015.70002.US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Cynthia C. Bamdad et al.
Serial No: 09/602,778
Confirmation No: 9745
Filed: June 23, 2000
For: INTERACTION OF COLLOID-IMMOBILIZED SPECIES WITH
SPECIES ON NON-COLLOIDAL STRUCTURES
Examiner: Counts, Gary W.
Art Unit: 1641

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached; addressed to Commissioner for Patents, Washington, DC 20231, on February 6, 2003.


Colleen Sullivan

Commissioner for Patents
Washington, D.C. 20231

Sir:

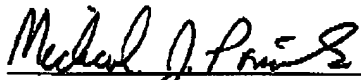
Transmitted herewith are the following documents:

- ☒ Information Disclosure Statement
- ☒ PTO Form 1449 with cited references
- ☒ Return Receipt Postcard

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A check in the amount of \$180.00 is enclosed to cover the filing fee. If the fee is insufficient, the balance may be charged to the account of the undersigned, Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,
Cynthia C. Bamdad et al., Applicants


Michael J. Pomianek, Reg. No. 46,190
Timothy J. Oyer, Ph.D., Reg. No. 36,628
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DOCKET NO: M01015.70002.US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Cynthia C. Bamdad et al.
Serial No: 09/602,778
Confirmation No: 9746
Filed: June 23, 2000
For: INTERACTION OF COLLOID-IMMOBILIZED SPECIES
WITH SPECIES ON NON-COLLOIDAL STRUCTURES

Examiner: Counts, Gary W.
Art Unit: 1641

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Commissioner for Patents, Washington, D.C. 20231, on the 6 day of February, 2003.


Colleen Sullivan

Commissioner for Patents
Washington, D.C. 20231

STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed more than three months after the filing date of this application and after the mailing date of the first Office Action, but before the mailing date of either a final action under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R. §1.311, or an action that otherwise closes prosecution in this application. The fee of \$180.00 as set forth in 37 C.F.R. §1.17(p) is enclosed.

668137.1

Serial No.: 09/602,778
Conf. No.: 9746

- 2 -

Art Unit: 1641

PART II.: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes the following additional information of record in the above-identified application:

The following co-pending applications that may contain subject matter related to this application are enclosed unless the earlier application is identified herein and is relied upon for an earlier filing date under 35 U.S.C. §120, and the copy was provided in the earlier application:

<u>Serial No.</u>	<u>Filing Date</u>	<u>Inventor(s)</u>
09/324,258	June 2, 1999	Cynthia C. Bamdad
10/304,462	November 26, 2002	Cynthia C. Bamdad, R. Shoshana Bamdad, and Michael Frid

A copy of the International Search Report for the corresponding PCT Application No.: PCT/US00/01504 is enclosed.

PART III: Explanation of Non-English Language References and Remarks Concerning Other Information Cited

The following is a concise explanation of the relevance of each non-English language reference listed on the attached form PTO-1449 (modified):

The relevance of each foreign language reference is indicated in the attached International Search Report.

PART IV.: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

668137.1

Serial No.: 09/602,778
Conf. No.: 9746

- 3 -

Art Unit: 1641

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

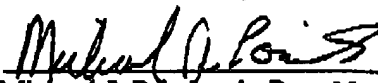
Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,
Cynthia C. Bamdad et al., Applicants

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By: 
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Docket No. M01015.70002.US
Date: February 6, 2003
XNDDX
668137.1

INFORMATION DISCLOSURE STATEMENT BY APPLICANT				APPLICATION NO.: 09/602,778		ATTY. DOCKET NO.: M01015.70002.US	
				FILING DATE: Jun 23, 2000		CONFIRMATION NO.: 9746	
				APPLICANT: Cynthia C. Bamdad et al.			
				GROUP ART UNIT: 1641		EXAMINER: Counts, Gary W.	
Sheet	1	of	2				

U.S. PATENT DOCUMENTS

Examiner's Initials	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or of issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
	1	4,945,045	A	Forrest et al.	07-31-1990
	2	5,177,012	A	Kim et al.	01-05-1993
	3	5,294,369	A	Shigekawa et al.	03-15-1994
	4	5,384,073	A	Shigekawa et al.	01-24-1995
	5	6,361,944	B1	Mirkin et al.	03-26-2002
	6	6,417,340	B1	Mirkin et al.	07-09-2002
	7	6,495,324	B1	Mirkin et al.	12-17-2002
	8	US2002/0155462	A1	Mirkin et al.	10-24-2002
	9	US2002/0172953	A1	Mirkin et al.	11-21-2002
	10	US2002/0192687	A1	Mirkin et al.	12-19-2002

FOREIGN PATENT DOCUMENTS

Examiner's Initials	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document (not necessary)	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/ Country	Number	Kind Code			
	11	DE	38 06 558	A	Hitachi Ltd.	09-15-1988	N
	12	EP	0 489 465	B1	Azko Nobel N.V.	09-04-1996	
	13	EP	0 579 343	A	Eppendorf Netheler Hinz Gmbh G	01-19-1994	N
	14	WO	98/04740	A	Northwestern University	02-05-1998	
	15	WO	98/20162	A2	Clinical Micro Sensors	05-14-1998	
	16	WO	01/92277	A1	Minerva Biotechnologies Corporation	12-06-2001	

OTHER ART — NON PATENT LITERATURE DOCUMENTS

Examiner's Initials	Cite No.	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)
	17	BAMDAD, CYNTHIA, "The Use of Variable Density Self-Assembled Monolayers to Probe the Structure of a Target Molecule," BIOPHYSICAL JOURNAL, October 1998, vol. 75, pp. 1989-1996	
	18	BAMDAD, CYNTHIA CAROL, "Novel Surfaces for the Detection and Study of Intermolecular Interactions," A thesis presented by Cynthia Carol Bamdad to The Committee for Higher Degrees in Biophysics in partial fulfillment of the requirements for the degree of Doctor of Philosophy in the subject of Biophysics, Harvard University, Cambridge, Massachusetts. May 1997. pp. 1-111. UMI Dissertation Services, Ann Arbor, MI.	
	19	CHOLET AL., "Labeling digoxin antibody with colloidal gold and ferrocene for its use in a membrane immunostrip and immunosensor," MICROCHEMICAL JOURNAL, September 1999, vol. 63, pp. 92-99.	
	20	ROBINSON ET AL., "Bioelectrochemical enzyme immunoassay of human chorionic gonadotropin with magnetic electrodes", CLINICAL CHEMISTRY, 1985, vol. 31, no. 9, pp. 1449-1452.	
	21	COX, DP, "Cationic colloidal gold, a stain for anionic tissue sites", Am Biotechnol Lab, October 1990, Vol. 8, no. 12, pg. 58, ABSTRACT ONLY	
	22	GUGLIUCCI ET AL., "Reaction of advanced glycation endproducts with renal tissue from normal and streptozotocin-induced diabetic rats: an ultrastructural study using colloidal gold cytochemistry.", June 1995, J HISTOCHEM CYTOCHEM, vol. 43, no. 6, pp. 591-600, ABSTRACT ONLY.	
	23	STIRLING, JW., "Unfixed tissue for electron immunocytochemistry: a simple preparation method for colloidal gold localization of sensitive epitopes using ethanediol dehydration.", HISTOCHEM J, April 1992, vol. 24, no. 4, pp. 190-206, ABSTRACT ONLY.	

ial No.: 09/602,778

nf. No.: 9746

Page 2 of 2

Art Unit: 1641

24	HACKER ET AL., "The use of silver acetate autometallography in the detection of catalytic tissue metals and colloidal gold particles bound to macromolecules.", <i>PROG HISTOCHEM CYTOCHEM</i> , 1991, vol. 23, no. 1-4, pp. 286-90		
25	BENDAYAN ET AL., "Effect of tissue processing on colloidal gold CytoChemistry.", <i>J. HISTOCHEM CYTOCHEM</i> , September 1987, vol. 35, no. 9, pp. 983-96, ABSTRACT ONLY.		
26	HISANO ET AL., "Some improvement in tissue preparation and colloidal-gold immunolabeling for electron microscopy." <i>AM J ANAT</i> , Feb-Mar. 1986, vol. 175, no. 2-3, pp. 245-66, ABSTRACT ONLY.		
27	DANSCHER ET AL., "Light microscopic visualization of colloidal gold on resin-embedded tissue.", <i>J. HISTOCHEM CYTOCHEM</i> , December 1983, vol. 31, no. 12, pp. 1394-8, ABSTRACT ONLY.		
28	GEUZE ET AL., "Use of colloidal gold particles in double-labeling immunoelectron microscopy of ultrathin frozen tissue sections.", <i>J CELL BIOL</i> , June 1989, vol. 89, no. 3, pp. 653-65, ABSTRACT ONLY.		
29	RÖTH, J., "The silver anniversary of gold: 25 years of the colloidal gold marker system for immunocytochemistry and histochemistry", <i>HISTOCHEM CELL BIOL</i> , July 1996, vol. 106, no. 1, pp. 1-8, ABSTRACT ONLY.		
30	DOLAPCHISVA, S., "Distribution of concanavalin A and wheat germ agglutinin binding sites in the rat peripheral nerve fibres revealed by lectin/glycoprotein-gold histochemistry.", <i>HISTOCHEM J.</i> , January 1996, vol. 28, no. 1, pp. 7-12, ABSTRACT ONLY.		
31	RÖTH ET AL., "Improved accuracy in diagnostic immunohistochemistry, lectin histochemistry and in situ hybridization using a gold-labeled horseradish peroxidase antibody and silver intensification.", <i>LAB INVEST</i> , August 1992, vol. 67, no. 2, pp. 263-9, ABSTRACT ONLY.		
32	HERKEN ET AL., "Postembedding immunogold histochemistry for the localization of laminin and its E4 and P1 fragments in mouse kidney embedded in LR-White and LR-Gold." <i>HISTOCHEM J.</i> , June 1991, vol. 23, no. 6, pp. 267-72, ABSTRACT ONLY.		
33	JACKSON ET AL., "Application of 1 nm gold probes on paraffin wax sections for in situ hybridisation histochemistry." <i>J CLIN PATHOL</i> , October 1990, vol. 43, no. 10, pp. 810-2, ABSTRACT ONLY.		
34	CORNELESE-TEN ET AL., "New sensitive light microscopical detection of colloidal gold on ultrathin.", <i>HISTOCHEMISTRY</i> , 1990, vol. 94, no. 1, pp. 61-71, ABSTRACT ONLY.		
35	HERKEN ET AL., "Light and electron microscopical postembedding lectin histochemistry for WGA-binding sites in the renal cortex of the mouse embedded in polyhydroxy aromatic resins LR-White and LR-Gold", <i>HISTOCHEMISTRY</i> , 1988, Vol. 89, No. 3, pp. 277-82, ABSTRACT ONLY.		
36	HACKER ET AL., "Electron microscopical autometallography: Immunogold-silver staining (IGSS) and heavy-metal histochemistry.", <i>METHODS</i> , October 1996, vol. 10, no. 2, pp. 257-69, ABSTRACT ONLY.		
37	HACKER ET AL., "Application of silver acetate autometallography in histopathology: a new detection method for use in immunogold silver staining, lectin histochemistry and in situ hybridization.", <i>VERH DTSCH GES PATHOL</i> , 1990, vol. 74, pp. 368-72, ABSTRACT ONLY.		
38	TSUYAMA ET AL., "Mucin histochemistry of colonic mucous cells with lectin-colloidal gold complex.", <i>J ELECTRON MICROSC</i> 1985, vol. 34, no. 3, pp. 174-8., Tokyo.		
39	BARUCH ET AL., "Preferential expression of novel MUC1 tumor antigen isoforms in human epithelial tumors and their tumor-potentiating function", <i>INT J. CANCER</i> , 1997, Vol. 71, pp. 741-749		
40	GENDLER ET AL., "Molecular cloning and expression of human tumor-associated polymorphic epithelial mucin", <i>THE JOURNAL OF BIOLOGICAL CHEMISTRY</i> , 1990, Vol. 265, No. 25, pp. 15286-15293		
41	LIGTENBERG ET AL., "Episialin, a carcinoma-associated mucin, is generated by a polymorphic gene encoding splice variants with alternative amino termini", <i>THE JOURNAL OF BIOLOGICAL CHEMISTRY</i> , 1990, Vol. 265, No. 10, pp. 5573-5578.		
42	LIGTENBERG ET AL., "Cell-associated episialin is a complex containing two proteins derived from a common precursor", <i>THE JOURNAL OF BIOLOGICAL CHEMISTRY</i> , 1992, Vol. 267, No. 9, pp. 6171-6177.		
43	SMORODINSKY ET AL., "Detection of a secreted MUC1/SEC protein by MUC1 isoform specific monoclonal antibodies", <i>BIOCHEMICAL AND BIOPHYSICAL RESEARCH COMMUNICATIONS</i> , 1996, Vol. 228, pp. 115-121.		
44	WRESCHNER ET AL., "Human epithelial tumor antigen cDNA sequences-Differential splicing may generate multiple splicing forms", <i>EUROP J. BIOCHEM</i> , 1990, Vol. 189, pp. 463-473		
45	ZRIHAN-LICHT ET AL., "Characterization and molecular cloning of a novel MUC1 protein devoid of tandem repeats, expressed in human breast cancer tissue", <i>EUROP J. BIOCHEM</i> , 1994, Vol. 224, pp. 787-795		
46	Package inserts, "Secondary antibody coated colloidal gold probes for used in the electron microscopical Immunogold (silver) staining technique, <i>AUROPROBE</i> , codes RPN 420-436, RPN, 444; June 8, 1999, Amersham, Piscataway, NJ, pp. 1-7.		

XAMINER

DATE CONSIDERED

XAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered.
 Include copy of this form with next communication to applicant.

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